

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Revisions to Broadcast Auxiliary Service)	ET Docket No. 01-75
Rules in Part 74 and Conforming Technical)	
Rules for Broadcast Auxiliary Service, Cable)	
Television Relay Service and Fixed Services)	
In Parts 74, 78 and 101 of the Commission's)	
Rules)	

To: The Chief, Office of Engineering and Technology

REQUEST FOR EXTENSION OF TEMPORARY STAY

The Society of Broadcast Engineers, Incorporated (SBE), by counsel, hereby respectfully requests that the Commission extend for a period of six (6) months the temporary stay granted April 15, 2003, with respect to the implementation of the Prior Coordination Notice (PCN) frequency coordination requirement for most fixed, point-to-point Broadcast Auxiliary Service (BAS) stations adopted in the *Report and Order*, FCC 02-298, 17 FCC Rcd. 22979, released November 13, 2002. The stay, by *Order*, DA 03-1141, by the Chief, Office of Engineering and Technology released April 15, 2003, is scheduled to expire and the new PCN rules to go into effect on October 16, 2003. As good cause for its request to extend this stay for a single additional six month period, SBE states as follows.

1. The PCN requirement for 950 MHz fixed, point-to-point Aural BAS links, and for 2.5, 7 and 13 GHz fixed, point-to-point TV BAS links was discussed in detail in the SBE Request for Stay of the PCN Requirement, filed April 4, 2003. SBE requested the stay because the more formalized means of frequency coordination established in the *Report and Order* in this proceeding was, due to the seriously corrupted Part 74 database

used by the Commission (and which would be used by the coordinators for the PCN requirement, doomed to failure. As SBE noted, implicit in the new PCN approach for BAS frequency coordination is the assumption that the database is accurate. Frequency coordination under the PCN rules adopted in this proceeding cannot be successfully implemented because of legacy database inaccuracies in the ULS.

2. Perhaps the best example of these flaws is the absence of receive site information, which was not required to be submitted with the old FCC Form 313 applications. Though that information is now called for by the Form 601, the database remains corrupted. SBE did a recent study on August 22, 2003 of the ULS listings for fixed point-to-point links in the 2 GHz band. Of 1,496 fixed links, 841 do not have a receive site listed. While these numbers are not substantial in the abstract, it is to be noted that this band is, by and large, a mobile band in the United States, and fixed links are rare in this band. It can be assumed that the other BAS bands above 2110 MHz have similar numbers of missing receive site information. This is only one of the problems. Others include errors in site coordinates, antenna height, make and model. SBE's initial request for temporary stay noted that its review of the ULS database showed that 29% of all fixed, point-to-point BAS license records contain substantial errors. This analysis was based on a study conducted by the consulting engineering firm of Cavell, Mertz and Davis, which revealed that 6,163 stations out of 21,033 fixed stations are either lacking receiver end geographic coordinates or have corrupted receive coordinates.¹ In short, the

¹ Updated review of the ULS database reveals that, of 2,069 fixed links at 2 GHz, 1416 now show no receive site coordinates. At 7 GHz, of 4,601 licenses, 2,416 show no receive site coordinates. At 13 GHz, of 1,591 licenses, 754 show no receive site coordinates. The engineer for a major radio broadcasting company reports that for all stations owned by that company, information was provided at the time of the grant of the stay regarding aural BAS receive sites, but that information never was incorporated in the ULS database, which remains incorrect with respect to that station's fixed STL facilities to date.

ULS is not now ready to support a mandatory PCN requirement for aural fixed links at 950 MHz or TV fixed BAS links at 2.5, 7 or 13 GHz.

3. The Commission acknowledged that the database errors “could seriously affect the efficacy of prior coordination procedures, which was not anticipated when the Order setting these procedures were adopted.” However, the Commission only granted a six-month temporary stay of the PCN rules, whereas SBE had requested a year’s extension. In fact, the corrupted database has already proven to be a major obstacle in application filing for BAS fixed facilities. See, *South Williamsport Sabrecom, Inc.*, Order on Reconsideration, DA 03-2842, released September 10, 2003 (database information missing from ULS led to erroneous dismissal of modification application for aural STL station).

4. Immediately following the issuance of the stay *Order* on April 15, 2003, SBE met with OET, WTB and Media Bureau staff to plan for the correction and updating of the database. SBE envisioned working with State broadcasting associations and their members to encourage each licensee to provide missing data. The Wireless Bureau was to investigate the creation in the database of additional fields to accommodate information critical to the new formal coordination requirements.² Most urgently, SBE, after

² The second reason for the Stay was the lack of industry consensus on what interference criteria should be used for prior coordination notice (PCN) frequency coordination studies involving Part 74 BAS links, especially 950 MHz Aural BAS links. The TSB-10F standard offered in Section 101.105(c) of the FCC Rules is almost a 10-year old standard and does not address current BAS applications such as hybrid analog-digital TV STLs, and is entirely silent on 950 MHz Aural BAS applications. Interference criteria for digital-into-analog and analog-into-digital desired-to-undesired (D/U) signal ratios for modern day, current practices BAS applications, especially those involving adjacent-channel situations, needs to be developed and added to an updated TSB-10G. Otherwise, the default interference criteria of Section 101.105(c)(2), which are a D/U ratio of 90 dB or better for co-channel, and a D/U ratio of 56 dB or better for adjacent-channel, would have to be used for PCN studies. In SBE's view, it is doubtful that any new or modified BAS links could be frequency coordinated in the large metros if such stringent criteria would have to be applied. SBE is attempting to work with other parties to establish more reasonable and mutually acceptable interference criteria than the ultra conservative values given in Section 101.105(c)(2), but, like the Commission's delays in repairing missing or erroneous BAS records

discussing the matter with OET, Media Bureau and WTB staff, filed with the Office of the Managing Director on June 2, 2003 an Emergency Request for Waiver of Filing Fees for Certain Broadcast Auxiliary Modification applications Submitted on FCC Form 601. The request was to allow the filing of modification applications for BAS which provided only missing information about existing facilities, rather than modification of information already in the database, without a filing fee. The theory was that this would encourage licensees to provide missing data. SBE informed broadcasters of the pendency of this request. Unfortunately, many waited for a determination of the outcome of this request before filing anything. The Office of Managing Director twice acknowledged the pendency of the waiver request (by letters to undersigned counsel dated Jun 19 and July 16, 2003), but took no action on the Emergency Request until September 3, 2003 when the request was denied outright. SBE has publicized the denial of the fee waiver emergency request, and has taken more aggressive steps to urge broadcasters and broadcast engineers to update and correct the ULS database for BAS facilities.

5. Under the circumstances, the six-month temporary stay has proven insufficient to correct the ULS sufficiently to accommodate the new rules. SBE had requested a stay of one year to correct the ULS database. SBE now requests an additional six months temporary stay, which will be a final opportunity to bring the ULS database up to date and to supply missing information sufficient to allow the new PCN requirements a reasonable chance to work. To implement those procedures now would render coordination efforts meaningless. It would result in interference being created to existing facilities from coordinated new facilities. Such is not fair to either incumbent licensees or applicants for new or modified fixed or mobile facilities.

in the ULS, needs additional time to complete this work.

Therefore, the foregoing considered, the Society of Broadcast Engineers respectfully requests that the Commission extend, for a final, six month period, the

present temporary stay on PCN coordination regulations adopted in the *Report and Order* in this proceeding, to and including April 15, 2004.

Respectfully submitted,

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